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EXAMINER	
SHIMIZU, MATSUICHIRO	
ART UNIT	**PAPER NUMBER**
2635	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,386	FERNANDEZ, JORGE D.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-29* is/are rejected.

7)☒ Claim(s) *5 and 6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Preliminary Amendment

The examiner acknowledges currently amended claims 3 and 20

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10-15 and 17-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Barr et al. (5,313,197).

Regarding claim 1, Barr teaches a wireless messaging system, comprising:

a transmitter (Fig. 2, col. 5, lines 49-55, paging terminal 102 receiving message request and transmitting message request wirelessly via transmitters 104,104',104") for receiving message requests and in response transmitting corresponding wireless messages (col. 5, lines 4-14, transmitting via transmitters 104,104',104");

a transmission monitor (Fig. 1, col. 8, lines 12-54, the transmission monitor associated with test configuration of controller 106 and receiver 108) for receiving wireless messages transmitted by the transmitter (col. 5, lines 4-14, transmitting via transmitters 104,104',104");

a messaging controller (Fig. 1, col. 8, lines 12-54, message controller associated with part of controller 106) connected to the transmission monitor (Fig. 1, col. 8, lines 12-54, the transmission monitor associated with test configuration of controller 106 and receiver 108) for receiving and storing message requests and automatically forwarding received message requests (col. 6, lines 1-5, message requests stored in memory buffer 211 are automatically forwarded to transmitter 104 for next transmission according to queue sequence) to the transmitter, the messaging controller comprising:

a controller timer (Fig. 2, timer/counter 228) for tracking time lapsed (col. 9, lines 13-40, exceeding predetermined time is system failure) between forwarding by the messaging controller of each message request and receipt by the transmission monitor of each corresponding wireless message; and

a first action trigger (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time) for triggering at least one controlling action (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time) when time tracked by the controller timer exceeds a first predetermined period.

Regarding claim 14, Barr teaches the wireless messaging system of claim 1, wherein the at least one controlling action comprises the messaging controlling forwarding all message requests to an external messaging system (col. 5, lines 4-14, external system of plurality of pagers via the plurality of transmitters, 104,104',104'').

Regarding claim 15, Barr teaches the wireless messaging system of claim 1, wherein the messaging controller comprises interconnected master (Fig. 2, col. 5, lines 4-14, master associated with router or controller 210 in the controller 106 and slave

associated with the plurality of transmitters, 104,104',104") and a slave operating systems, the slave operating system initiating control when directed by the master operating system.

Regarding claim 17, Barr teaches the wireless messaging system of claim 1, wherein the messages are pages (fig. 2, col. 4, lines 63-66, pages with page transmissions).

Regarding claim 11, Barr teaches the wireless messaging system of claim 1, wherein the messaging controller further comprises an alert generator and the at least one controlling action comprises the alert generator (col. 11, lines 36-53, alert page to administrator/service technician) generating an alert for receipt by a system administrator.

Regarding claim 13, Barr teaches the wireless messaging system of claim 11, wherein the alert generator is selected from the group consisting of a telephone call generator (col. 11, lines 36-53, alert page to administrator/service technician).

Regarding claim 2, Barr teaches the wireless messaging system of claim 1, wherein the at least one controlling action comprises the messaging controller (Fig. 1, col. 8, lines 12-54, message controller associated with part of controller 106) re-forwarding a stored message request (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time).

Regarding claim 3, Barr teaches the wireless messaging system of claim 1, wherein the transmission monitor further comprises a monitor timer for tracking time lapsed since receipt by the transmission monitor of a wireless message and a second action trigger for triggering at least one system integrity action (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding

predetermined time) and resetting the timer (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time is associated with resetting of timer for next time duration) when the time tracked by the timer exceeds a second predetermined period.

Regarding claim 4, Barr teaches the wireless messaging system of claim 3, wherein the transmission monitor comprises a beacon message request generator (col. 11, lines 42-45, a beacon message or alarm page searching for technician due to system failure) and the at least one system integrity action (col. 11, lines 42-45, a beacon message or alarm page searching for technician due to system failure) comprises generating a beacon message request for receipt by the messaging controller.

Regarding claim 10, Barr teaches the wireless messaging system of claim 3, wherein the transmission monitor further comprises an alert generator and the at least one system integrity action comprises the alert generator generating an alert for receipt by a system administrator (col. 11, lines 36-53, alert page to administrator/service technician).

Regarding claim 12, Barr teaches the wireless messaging system of claim 10, wherein the alert generator is selected from the group consisting of a text message generator, a telephone call generator and a commercial page request generator (col. 11, lines 36-53, alert page to administrator/service technician).

Regarding claim 18, Barr teaches a method of controlling a wireless messaging system, the method comprising:

receiving (fig. 2, controller receiving request from paging terminal 102) a message transmission request;

storing (fig. 2, storing request in memory 211) the message transmission request;

forwarding (col. 6, lines 1-5, message requests stored in memory buffer 211 are automatically forwarded to transmitter 104 for next transmission according to queue sequence) the message transmission request to a transmitter for wireless transmission;

waiting for receipt of a wireless message corresponding to the stored transmission request (col. 9, lines 13-40, tracking time duration for system failure); and

if time elapsed before receiving the wireless message exceeds a first predetermined period (col. 9, lines 13-40, exceeding predetermined time is system failure), triggering at least one controlling action (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time).

Regarding claim 19, Barr teaches the method of claim 18, wherein the at least one controlling action comprises re-forwarding the transmission request (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time).

Regarding claim 25, Barr teaches the method of claim 18, wherein the at least one controlling action comprises reconfiguring the wireless messaging system (col. 15, lines 31-45, reconfiguring to retransmit a missed page when system failure associated with exceeding predetermined time).

Regarding claim 27, Barr teaches the method of claim 18, wherein the at least one controlling action comprises alerting a system administrator (col. 11, lines 36-53, alert page to administrator/service technician).

Regarding claim 28, Barr teaches the method of claim 18, wherein the at least one controlling action comprises forwarding the message transmission request to an external messaging system (col. 5, lines 4-14, external system of plurality of pagers via the plurality of transmitters, 104,104',104'').

Regarding claim 29, Barr teaches the method of claim 18, wherein the message is a page (fig. 2, col. 4, lines 63-66, pages with page transmissions).

Regarding claim 20, Barr teaches the method of claim 18, further comprising the steps of: tracking time lapsed since receipt of any wireless message; and if time lapsed before receiving any wireless message exceeds a second predetermined period, triggering at least one system integrity action (col. 15, lines 31-45, retransmitting a missed page when system failure associated with exceeding predetermined time).

Regarding claim 22, Barr teaches the method of claim 20, wherein the at least one system integrity action comprises reconfiguring the wireless messaging system (col. 15, lines 31-45, reconfiguring to retransmit a missed page when system failure associated with exceeding predetermined time).

Regarding claim 24, Barr teaches the method of claim 20, wherein the at least one system integrity action comprises alerting a system administrator (col. 11, lines 36-53, alert page to administrator/service technician).

Regarding claim 26, Barr teaches the method of claim 20, wherein the at least one controlling action comprises reconfiguring the wireless messaging system (col. 15, lines 31-45, reconfiguring to retransmit a missed page when system failure associated with exceeding predetermined time).

Regarding claim 21, Barr teaches the method of claim 20, wherein the at

least one system integrity action comprises generating a message transmission request for storing (col. 15, lines 31-45, transmission of missed page in re-queue storage) and forwarding to the transmitter (col. 15, lines 31-45, forwarding to retransmit the missed page in queue storage 211).

Regarding claim 23, Barr teaches the method of claim 21, wherein the at least one system integrity action comprises reconfiguring the wireless messaging system (col. 15, lines 31-45, reconfiguring to retransmit a missed page when system failure associated with exceeding predetermined time)..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barr et al. (5,313,197) in view of Andros et al. (5,121,115).

Regarding claim 9, Barr teaches the wireless messaging system of claim 1, wherein the transmitter comprises transmission channel (col. 5, lines 4-14, channels associated with radio links, microwave links). But Barr is silent on backup transmission channel.

However, Andros teaches, in the art of paging system, backup transmission channel (col. 47, line 44 to col. 49, line 61, backup channel (col. 49, lines 42-48,

shifting of channel associated with backup channel)) for the purpose of providing increased system reliability. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include backup transmission channel in the device of Barr because Barr suggests transmission channel and Andros teaches backup transmission channel for the purpose of providing increased system reliability.

All subject matters except backup transmission, backup messaging controller, and backup first action trigger in claim 16 are discussed above with regards to claims 1-2. However, Andros teaches, in the art of paging system, backup transmission, backup messaging controller, backup first action trigger (col. 47, line 44 to col. 49, line 61; col. 49, lines 42-48, backup channel associated with shifting of frequency suggests backup transmission, backup messaging controller, backup first action trigger) for the purpose of providing increased system reliability. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include displaying a plurality of consumer electronic devices in the device of Barr because Barr suggests transmission channel and Andros teaches backup transmission, backup messaging controller, backup first action trigger for the purpose of providing increased system reliability. Therefore rejection of the subject matters expressed in claim 16 are met by references and associated arguments applied to rejection of claims 1-2 and to rejection provided in the previous paragraph.

Regarding claims 7-8, Barr teaches the wireless messaging system of claims 3-4, wherein the transmitter comprises at least one transmission channel and the at least one system integrity action comprises the transmission monitor (Fig. 1, col. 8, lines 12-54, the transmission monitor associated with test configuration of controller 106 and receiver 108) sending a control signal to the transmitter to transmission channel

(col. 6, lines 1-5, message requests stored in memory buffer 211 are automatically forwarded to transmitter 104 for next transmission according to queue sequence). But Barr is silent on switching to the at least one backup transmission channel.

However, Andros teaches, in the art of paging system, switching to the at least one backup transmission channel (col. 47, line 44 to col. 49, line 61, backup channel (col. 49, lines 42-48, switching is suggested by the shifting of channel associated with backup channel)) for the purpose of providing increased system reliability. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include backup transmission channel in the device of Barr because Barr suggests transmission channel and Andros teaches switching to the at least one backup transmission channel for the purpose of providing increased system reliability.

Allowable Subject Matter

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5-6, the prior arts fail to teach or fairly suggest the messaging controller comprises a primary drive and a backup drive and the at least one system integrity action comprises the transmission monitor sending a control message to the messaging controller to switch to the backup drive.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu

May 2, 2005

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